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(Reserved) (Bench No.1)

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD.

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Registration No. ~~ISA~~ 158 of 1986

Union of India and others . .vs. . Manohar Ram.

Hon'ble Justices Shri S. Zaheer Hasan, Vice Chairman.

Hon'ble Shri Ajay Johri, Member(A).

(Delivered by Hon. S. Zaheer Hasan, V.C.)

In 1979 plaintiff Manohar Ram filed a suit for injunction restraining the defendants ~~from~~ from withholding plaintiff's promotion and posting on the post of TC/CC and from promoting ^{persons} ineligible and juniors on the post of T.C/CC. The suit was decreed. Union of India filed an appeal which was dismissed on 20.8.1985. On 9.10.1985 an application was moved for setting aside the order dated 20.8.1985. This Miscellaneous case has been transferred to this Tribunal by District Judge, Varanasi under Section 29 of the Administrative Tribunals Act (No. 13 of 1985).

On 30.5.1985 the counsel for the Union of India, to be described as the appellants, stated that he was not ready to argue and therefore the case may be adjourned. The court fixed 26.7.1985 for hearing and on that date learned counsel for the appellants stated that he was unable to argue the case due to his illness. The case was again adjourned to 20.8.1985

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and on that date appellants' counsel again did not appear; so, the appeal was dismissed in default. On 9.10.1985 an application for setting aside the order of dismissal was moved which is definitely beyond 30 days from the date of the order of dismissal. According to the appellants their counsel was busy in some other court on 20.8.1985 and since he could not come to the court concerned, so, the appeal was dismissed in default. On the same day the counsel for the appellants informed the Department about the dismissal of the appeal. It is said that the dealing clerk misplaced the relevant file. On 23.9.1985 the Department again received the letter from the appellants' counsel regarding dismissal of the appeal. Ultimately on 9.10.1985 the application for setting aside the order of dismissal dated 20.8.1985 was moved.

Under the circumstances each day delay would have been explained
 There is no explanation as to what happened between 23.9.1985 and 9.10.1985. The application for setting aside the order of dismissal was made beyond 30 days from the ~~ax~~ date of the order. No sufficient cause has been established.

In the result, the application for setting aside the order dated 20.8.1985 is dismissed, with costs on parties.

November 8, 1986. Vice Chairman.
R.Pr.

[Signature]
 Member(A).